

PHYLLIS ROBINSON,
Plaintiff,

v.

WILSON COUNTY SCHOOLS,
Defendant.

)
)
) Case No.
) 3:19-cv-01092
)
) CHIEF JUDGE CRENSHAW
)
)

December 8, 2021

LISE S. MATTHEWS, RMR, CRR, CRC
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I N D E X

Wednesday, December 8, 2021

INDEX OF WITNESSES

<u>WITNESSES:</u>	<u>PAGE</u>
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PHYLLIS ROBINSON

DIRECT EXAMINATION BY MR. BIESECKER

3

CROSS-EXAMINATION BY MR. SPINING

50

1 The above-styled cause came on to be heard on
2 December 8, 2021, before the Honorable Waverly D.
3 Crenshaw, Jr., Chief District Judge, when the following
4 proceedings were had, to-wit:

5
6 (Proceedings reported but not transcribed.)

7 COURT DEPUTY: Please raise your right hand.

8
9 PHYLLIS ROBINSON,
10 called as a witness by Plaintiff, was duly sworn and
11 testified as follows:

12
13 COURT DEPUTY: Please be seated.

14 THE WITNESS: Okay. Thank you.

15 COURT DEPUTY: Please be sure to speak into
16 microphone.

17 State your full name and spell your last name.

18 THE WITNESS: My name is Phyllis, P-h-y-l-l-i-s,
19 Veronica, V-e-r-o-n-i-c-a, Robinson, R-o-b-i-n-s-o-n.

20 THE COURT: All right.

21 MR. BIESECKER: Thank you, Ms. Robinson.

22
23 DIRECT EXAMINATION

24 BY MR. BIESECKER:

25 Q. Thank you, Ms. Robinson. Can you hear me okay?

1 A. Yes, I can.

2 Q. Okay. What education and degrees do you have?

3 A. I have a bachelor of science degree in criminal justice;
4 my -- a minor in sociology; both geared toward juvenile
5 justice. And I have five classes on my master's.

6 Q. And why did you want to become a bus driver?

7 A. Well, when I'm -- I moved here -- I've always -- I've
8 always worked with kids. I like to work with juveniles. My
9 interest has always been with juveniles. So after I stopped
10 working for -- I was laid off from VF Imagewear, which is --
11 oh -- marketing company. But I was laid off, and I decided
12 to apply for a bus driver because it was working with kids
13 and flexible hours.

14 Q. And how old were you when you started work with Wilson
15 County?

16 A. I'm not really sure. Maybe -- I'm not sure. Maybe 60.

17 Q. Okay. And who was your original supervisor?

18 A. Josh -- Mr. Josh Hindman.

19 Q. Okay. And how were your performance reviews under
20 Mr. Hindman?

21 A. Oh, I always got excellent and would -- my reviews was
22 always excellent. Like -- I got perfect attendance awards.
23 I got -- they gave me a t-shirt for perfect attendance. And
24 that -- you know, I -- it -- I worked for four years, never
25 missed a day, was never late, nothing. Never took off. As

1 long as the bus was running, I was driving. So Mr. Josh
2 always acknowledged that. And I kept my bus clean.

3 Q. And there's a three-ring binder in front of you there.
4 And if you would, I would like you to turn to Exhibit 7, in
5 that binder, please.

6 A. Sure. I didn't bring my glasses.

7 THE COURT: Can you retrieve her glasses?

8 MR. BIESECKER: Oh, sure. I'm so sorry.

9 THE WITNESS: I'm sorry. I forgot I was going to
10 be. . .

11 BY MR. BIESECKER:

12 Q. Well, here. I don't want to go through your purse.
13 That was a cardinal mistake.

14 A. Just unzip it right there. They're right there on the
15 top. They're just reading glasses. Oh, gosh.

16 I'm sorry.

17 Q. Or if it's --

18 A. Aren't they laying right there?

19 Q. If it's easy for you, Ms. Robinson, it's on that screen
20 as well.

21 THE COURT: She asked do you see them on the --

22 MR. BIESECKER: Oh, her glasses.

23 THE WITNESS: Aren't they laying right there? I
24 just had them. They're not laying -- oh, well.

25 THE COURT: Yeah. There you go.

1 MR. BIESECKER: May I approach, Your Honor?

2 THE COURT: Yes.

3 THE WITNESS: Sorry. Thank you. You said number
4 7?

5 BY MR. BIESECKER:

6 Q. Yes, ma'am.

7 A. Okay. Yeah. Yes.

8 Q. And do you recognize that exhibit?

9 A. Yes.

10 Q. And what are we looking at here?

11 A. It looks like -- this looks like the hire -- a personal
12 information about myself on -- oh, no, no, no. This is where
13 Mr. Josh gave me my annual review.

14 Q. Your performance review from --

15 A. Yeah.

16 Q. -- from 2013?

17 A. Yeah. Above satisfactory. Yes. Yes.

18 Q. Okay. And if you would, turn to the second page,
19 please.

20 A. Yes.

21 Q. And can you see there where it has your total score.
22 And read the first paragraph for me, please.

23 A. Sure. I got -- he gave me 100.

24 "Mrs. Robinson has been an exemplary employee,
25 representing the Wilson County Board of Education

1 very well as a Professional School Bus Driver by
2 picking up and dropping off school children to
3 the various schools within our district and
4 dealing with the public. Mrs. Robinson
5 represents the transportation department well,
6 showing professionalism and sincerity while
7 communicating with students, parents, and school
8 leaders. She has maintained a good driving
9 record, well exceeding the minimum guidelines of
10 no more than three moving violations in a year
11 period set forth by the Tennessee Department of
12 Safety and outlined in the Transportation
13 Handbook."

14 Q. Thank you.

15 Thank you. And, in fact, did you actually ever
16 have any moving violations?

17 A. No. I never got -- never had a ticket, no. Never had a
18 ticket. Never had an accident on my DMV report. No.

19 Q. And if you would, please, turn to Exhibit 8 in that
20 book, as well.

21 And do you recognize that document, Mrs. Robinson?

22 A. Yes. It's another review.

23 100 percent.

24 Q. In 2014 and 2015, review --

25 A. Correct.

1 Q. And if you would, just read the first paragraph there
2 before it says total score of 100, please.

3 A. 100 percent.

4 "Mrs. Robinson has been an exemplary employee,
5 representing the Wilson County Board of Education
6 very well as a professional school bus driver by
7 picking up and dropping off school children to
8 the various schools within our district.

9 In dealing with the public, Ms. Robinson
10 represents the Transportation Department well,
11 showing professionalism and sincerity while
12 communicating with students, parents, and school
13 leaders.

14 She has maintained a good driving record,
15 well exceeding the minimum guidelines of no more
16 than three moving violations in a three-year
17 period set forth by the Transportation Department
18 of Safety and outlined in the Transportation
19 Handbook."

20 Q. Thank you, Ms. Robinson.

21 A. Okay.

22 Q. And again, just to be clear, during your entire tenure
23 with Wilson County, did you ever have a moving violation?

24 A. No. Well, I -- there were several -- you mean like when
25 driving a bus?

1 Q. Yeah. Did you ever have a ticket, a speeding ticket,
2 anything like that?

3 A. No. No, never a speeding ticket, no.

4 Q. Okay. Any tickets, any things -- no citations --
5 driving citations at all?

6 A. No, no citations.

7 Q. Okay. And during your tenure, did you engage with the
8 children that rode your bus?

9 A. Oh, yeah. All the time. Knew everyone by name.

10 Q. And can you --

11 A. Over 100 students on the bus. Hmm? I mean, yes, sir.

12 Q. Can you provide some examples, please.

13 A. Well, on -- every day I picked them up, they had a
14 little snack bag. I make snack bags, especially for the
15 little babies, the kindergartens, first -- anyway, even the
16 middle school, I made snack bags. At the end of the day, if
17 it was hot outside, they -- they would be looking for
18 popsicles, but it's the -- the kind in the plastic. I would
19 freeze them, and by the time I get there, they just be ready
20 for them. Birthdays, I remembered some of them birthdays.
21 They got birthday presents. They got little snack bags for
22 Halloween, for Easter, for Christmas. They -- they just -- I
23 don't know. I -- I did a lot for my students. I went over
24 and beyond with my students. I loved those little guys.
25 Yeah. I mean, I could ramble on and on about what I did for

1 them, but. . .

2 Q. And during your original bus route during the time we're
3 talking about, what school age -- how old were the children
4 who rode your bus? Were they elementary? middle school? high
5 school?

6 A. I do elementary. They go from K-4 to fifth grade and
7 then they go to the middle school. West Wilson Middle School
8 is from sixth grade to eighth grade, I think. Or maybe
9 they -- I did the elementary run. It might be fourth or
10 fifth grade. But then they left elementary and went to West
11 Wilson Middle School.

12 Q. And while Mr. Hindman was your supervisor, did you have
13 any issues at all with Mr. Hindman?

14 A. Oh, no. Mr. Hindman, he treated every driver equally.
15 If I -- I -- I have wrote students up. And what Mr. Josh
16 would do, he would contact the parent and call a meeting at
17 the office in Lebanon with the parent, the driver. And the
18 student to make sure everybody was on the same page and this
19 wasn't, you know, just something that was -- but that's what
20 he did. Mr. -- you know, Mr. Josh was -- he had an open door
21 policy.

22 Q. Do you recall when Mr. Jerry Partlow became your
23 supervisor, roughly?

24 A. Oh, yeah. Yes. Yes, sir.

25 Q. And what year was that? Do you recall?

1 A. Hmm. Not really. I don't exactly know the year. No,
2 sir.

3 Q. Okay. Well, I would like to move to 2016. And during
4 that year, do you have about -- any idea about how many bus
5 drivers Wilson County employed?

6 A. No, not really per se, but, like, when we would have the
7 meetings right before school would start, we would meet at,
8 like, maybe a gym. And -- high school gym or something. And
9 you could glance around -- I don't know personally. I would
10 say maybe 200 or less or 300 or less.

11 Q. And do you have any idea how many of those bus drivers
12 were African-American?

13 A. Not really, but again, I would look around while I was
14 in there. Personally, I would say 25 or less out of the -- I
15 really don't have a clue because I -- I don't know if
16 everyone come to the meeting or not. But when you go to the
17 meetings, you can just eyeball, you know.

18 Q. Okay. And at some point Mr. Partlow became your new
19 supervisor. And was he director of transportation?

20 A. Yes, sir.

21 Q. And what is Mr. Partlow's race?

22 A. He's white.

23 Q. Okay. And did you notice a difference between how
24 Mr. Partlow treated African-American and white bus drivers?

25 A. Yes, sir, I did. Right off -- from when -- my first --

1 yes, when I first met him. Yes, I did.

2 Q. Please provide some examples.

3 A. Well, his demeanor would change when he would be -- you
4 know, around Blacks. I mean, that's the terminology I use,
5 Black. He didn't -- he would -- I have seen Black drivers
6 speak to Jerry -- I mean, speak to Mr. Partlow, and he would
7 act as though he didn't even -- like, he didn't see them.

8 I myself, personally, I would speak to him, but if
9 he did speak back, it was dry. Mr. Partlow didn't really
10 care for -- he didn't really -- I don't know. He didn't
11 really care for me, period. But I don't know if it's because
12 I didn't -- like, I told -- I used -- I'm an educated Black
13 female, and I'm not just going to just sit and let you talk
14 to me any kind of way.

15 I -- Jerry -- Mr. Partlow was the type of person
16 that he's got to be in charge. He presented himself that way
17 to me personally. He wanted to be in charge. It was
18 never -- you know, it's like making little remarks sometimes:
19 "I guess you're going to get over here sometime." Like I'm
20 moving slow. I'm not a slow move. But -- and he used to do
21 it when -- he was -- he used to do it when no one else
22 around.

23 Like, he told me -- everybody's there for a
24 meeting. He come to me personally, and he look at me -- and
25 it wasn't even my fault for the meeting. It was because this

1 one driver kept being late and we had to leave a spot for her
2 to move in. And her spot just happened to be right in front
3 of my bus. And she was a white driver. We were always on
4 time. She should have been there on time. But we had this
5 meeting -- because one day -- I guess I didn't pull up --
6 didn't stay back far enough, and when she got there, she
7 tried to pull her bus in and the tail end was sticking out.
8 I couldn't back up because all the other buses was already in
9 line to pick up students. So next thing I know, there, we
10 have a meeting.

11 But anyways, Mr. Partlow came over to me -- I was
12 talking to my friend Dawn, who is a school crossing guard.
13 And Mr. Partlow came over to me and looked -- I mean, to me,
14 and he said, You people -- you people will learn there's a
15 new sheriff in town. There's new directions, new rules, and
16 you will follow them. And I said, Why you talking to me?
17 How come you're not talking to everyone? Why does this apply
18 to me? He used to always try to put me in a position to
19 become hostile, which I never would. So I just smiled at
20 him. And I told him -- I said, Well, I'm not the only driver
21 here, so you need to reference everybody else. And then Dawn
22 said, What is that all about? And I said, He just don't like
23 me. But there's been many instances Mr. Partlow has
24 presented that he don't like me. Period.

25 Q. And I just -- so I was clear on your testimony, that

1 meeting you were referencing, it was a white driver that was
2 always late that caused the meeting?

3 A. Yes, sir.

4 Q. And were you supposed to get annual performance reviews
5 like the two that we looked at previously?

6 A. Yes, sir. All drivers are.

7 Q. Did you ever get a performance review from Jerry
8 Partlow?

9 A. No, sir. Never.

10 Q. Okay. And then at some point in 2016, did you have a
11 disciplinary issue with a white student on your bus?

12 A. Yes, sir.

13 Q. Can you please tell me about that?

14 A. It was a middle school student. And this little boy was
15 very disrespectful, disruptive on my bus. He would videotape
16 me, which is against school policy. He would use profanity.
17 He would -- oh, he was off the chart. I wrote -- I wrote
18 this kid up. I wrote him up every day because it was every
19 day he got on my bus disrespecting me, didn't want to follow
20 any rules. None of the other students followed him. As a
21 matter of fact, he got on their nerves. But I wrote this
22 student up every chance that -- every day -- every time he
23 did this. And I kept giving them to Mr. Marlow. That was
24 his principal.

25 And the other drivers used to write these students

1 up, and they would turn their papers in to Mr. Marlow, and he
2 wouldn't even -- he would not give -- give them back, or he
3 would not show any form of what action was taken.

4 Me, when I gave him a write-up, I expect to pick
5 up what action was taken. So this particular student on a
6 consistent basis was wrote up. And I was on -- I have papers
7 of every day what time I wrote this student up. His mom even
8 came out to my bus and threatened me. I mean, actually
9 threatened me to do bodily harm, along with profanity, if I
10 kept writing her student up. This mom on another occasion
11 told me --

12 MR. SPINING: Your Honor, I object to the hearsay,
13 please.

14 THE WITNESS: Oh, okay.

15 THE COURT: Sustained.

16 MR. BIESECKER: Pardon me?

17 THE COURT: She can't talk about what others --

18 THE WITNESS: I can't talk about the mom.

19 But anyways, yes, I did write the student up. And
20 the student eventually was suspended. The student was
21 suspended -- the way that the rule books are, the student has
22 to be suspended three times and then permanently removed off
23 the school bus for the rest of the year. Eventually the
24 student was suspended for three times and he was taken off my
25 bus right before spring break of 2016. He was removed from

1 the bus. It was -- but a couple of days later I was called
2 into the office at West Park with Jerry Partlow and Theresa
3 Pomeroy present, for him to tell me that Wendell did not want
4 me driving his kids and that Wendell told me -- told him that
5 I was causing too much problems --

6 MR. SPINING: Your Honor, again --

7 THE WITNESS: -- too much problems. Hearsay.

8 Okay.

9 THE COURT: Sustained.

10 THE WITNESS: Anyways, it was at that time that I
11 was told I did not have an option as far as keeping my route.
12 So he said he was pulling me off my route. Mr. Partlow said
13 he was pulling me off of my route. So that being said, I --
14 it was right before spring break. I told them I would let
15 them know what I was going to do. When I left there, I was
16 so distraught. I was so bottled up. I was -- it just -- he
17 took my livelihood. Mr. Partlow. I -- I could not explain
18 the way I was feeling. Anyways, my doctor, Dr. Hamby, told
19 me --

20 MR. SPINING: Your Honor, again, objection to the
21 hearsay.

22 THE WITNESS: Oh, gosh. I have a paper --

23 THE COURT: Sustained. Do you want to rephrase
24 your question?

25 THE WITNESS: I'll rephrase it. I was --

1 THE COURT: Let's let him ask a question, and then
2 you can continue.

3 BY MR. BIESECKER:

4 Q. Did you eventually resign?

5 A. Yes. I was -- I resigned because. . .

6 Q. And why did you resign?

7 A. Because my doctor told me to take the rest of the --

8 MR. SPINING: Your Honor, objection. Hearsay.

9 THE WITNESS: I have a letter.

10 MR. BIESECKER: That's her direct testimony to why
11 she was taken off.

12 THE COURT: You can explain.

13 MR. BIESECKER: Yeah.

14 THE COURT: Don't refer to what your doctor said.
15 If you received a diagnosis, you were diagnosed with a
16 certain condition or something.

17 THE WITNESS: I was diagnosed with depression.

18 BY MR. BIESECKER:

19 Q. Okay.

20 A. I was diagnosed with severe depression. And I didn't
21 know how to -- it was getting close to go back from spring
22 break. So what I did was I wrote a letter -- I, myself, was
23 thinking -- I, myself, was thinking it's best to resign than
24 get terminated, to get fired. So I wrote this letter. And
25 this letter was direct to all the -- all the things that I

1 felt -- I felt -- about myself that was happening to me. It
2 was not referencing discrimination, because it was me that I
3 wrote about in this resignation letter.

4 Q. Well -- and if I may, Ms. Robinson, I'll have you look
5 at Exhibit 17 in the binder.

6 A. I'm sorry.

7 THE COURT: Why don't you help her get the book.

8 COURT OFFICER: Let me get it for you.

9 THE WITNESS: Sure. I can't -- can you get it?
10 I'm sorry.

11 COURT OFFICER: Not at all, ma'am. Not at all.

12 THE WITNESS: What number?

13 BY MR. BIESECKER:

14 Q. 17, Ms. Robinson.

15 A. All right. Yes, sir.

16 Q. Is that the resignation letter that you drafted?

17 A. Yes, sir.

18 Q. And so why did you draft that letter?

19 A. Because I just didn't --

20 Q. Did --

21 A. I didn't want to go back because I wasn't going back to
22 my kids.

23 Q. And what route were you going to be put on?

24 A. Mount Juliet Middle School.

25 Q. Okay.

1 A. The one Jerry Partlow want -- he told me that was my
2 only option at that meeting, that I would go to Mount Juliet
3 Middle School.

4 Q. Did anyone try to stop you or talk you out of resigning?

5 A. My -- my coworkers, about -- a few of my coworkers.
6 They begged me not to do it. They wanted me to stay because
7 they said they was going to miss me and, you know --

8 MR. SPINING: Your Honor, can we again --
9 objection.

10 THE WITNESS: Hearsay.

11 THE COURT: Sustained. All right. Sustained.

12 THE WITNESS: Coworkers.

13 BY MR. BIESECKER:

14 Q. And do you know who -- the race of the driver that
15 replaced you?

16 A. She was white.

17 Q. Okay. Eventually, about a year later, you came back,
18 correct?

19 A. Yes.

20 Q. Okay. Does August 2017 sound about right?

21 A. Yes, sir.

22 Q. And so why did you decide to come back?

23 A. Well, it was because of my coworkers, who was my -- they
24 were my best friends. My coworkers wanted me -- begged me to
25 come back. Because I had to took a short-run for -- Theresa

1 Pomeroy had wanted -- had asked me to do a short-run from --
2 I think it was April to school was out. And then I came --
3 they begged me to come back and -- my coworkers wanted me to
4 come back that August, and I told them, no, I didn't want to
5 go back. While I was out, I wanted to stay out. Because if
6 I went back Jerry Partlow was just going to make it hell. He
7 didn't want me back. Jerry Partlow wasn't even expecting for
8 me to come back.

9 Q. Did Mr. Partlow ask you to come back or contact you in
10 anyway?

11 A. No way. No, sir.

12 Q. Upon your return, what bus route were you given,
13 assigned to?

14 A. Of course Mount Juliet Middle School.

15 Q. And were you assigned to a different bus shortly after
16 you returned, or were you given your same bus?

17 A. Different bus. Bus -- the bus that I was assigned to
18 was a bus that was harder to drive. It -- it was -- it
19 just -- it was -- it wasn't -- wasn't like my regular bus.
20 It was a different bus that I was driving.

21 Q. And how was it harder to drive?

22 A. Well, because I had to keep doing everything manually,
23 and it was hard to do. It was -- seemed like -- it was rus-
24 -- well, not rusted, but it was, it was harder to do. I
25 wasn't accustom to it. My bus -- yeah, I had been driving my

1 bus since I started. And my bus was taken from me because I
2 was told that my bus was going to go into retirement; they
3 had to take it off the streets. They didn't take it off the
4 streets. I was shocked to see a white driver driving my bus
5 and I was stuck with this older bus that was hard to drive.

6 Q. And upon your return, did you -- did you notice any
7 treatment between how Black drivers were treated and white
8 bus drivers?

9 A. I always did, but those guys -- the Black drivers, they
10 had been there so long. And by my not being from
11 Tennessee -- these guys were elderly, looking forward to
12 retirement. So they had a level of acceptance. So, yeah,
13 I -- I would hear them on the bus speakers having hard times
14 with they students, students threatening -- yes -- it --
15 myself, yes, I did notice a big difference in how Black
16 drivers was treated and white drivers.

17 Q. In your opinion -- are bus accidents fairly common in
18 Wilson County?

19 A. Every day almost.

20 Q. Okay.

21 A. They run into poles and trees, houses, total out buses.

22 Q. And how would you define an accident?

23 A. An accident to me, in my eyesight -- an accident is when
24 there's, like, damage done. I mean, like -- an accident is
25 like -- an accident is like when that car ran up under the

1 bus, the back of my bus. An accident is like when another
2 vehicle -- when vehicles collide -- collide and cause damage.
3 That's the way I see it, an accident. Of course, an accident
4 can be any little thing. I mean, it -- it depends on the
5 person.

6 Q. Have you been involved in accidents while driving a
7 school bus for Wilson County?

8 A. Yes. On -- on -- I think about maybe -- I want to
9 say -- okay. There was one time when I was letting my
10 students off the bus on Belinda Parkway, and I had my stop
11 arm out, my lights was flashing, everything, you know, and
12 there's a car coming over the hill, and it ran right up under
13 the back of my bus. I mean, right up under the back. I
14 was -- it was an accident that I was involved in. But I had
15 no control. He -- the -- yeah, the car ran under the back of
16 my bus. Man texted.

17 One time I was at Rutland, a school. And we were
18 loading the students, and two of the little boys in the
19 second seat on my right side started getting into it. So I
20 got -- I got up out of my seat to approach -- approach those
21 guys -- am I doing that.

22 THE COURT: Just don't get too close to the
23 microphone. But you're doing fine. Just keep going.

24 You want to stay close to it.

25 THE WITNESS: Okay. About right here.

1 THE COURT: Yeah. That's good.

2 THE WITNESS: So I got up from my -- I got up from
3 my seat to stop these guys, and my -- my knee hit my gear.
4 And the bus -- knocked the bus out of gear. And I jumped
5 over there and the front of my bus barely -- barely touched
6 Gary's bus. Gary's bus was right in front of mine. So Gary
7 and I were -- we're friends. So what we said, okay, even
8 though it barely touched, we called -- we called Shane, who
9 is out at the Lebanon office. They have Shane come out and
10 look at it and whatever. And Shane did come out and he said,
11 okay, you guys are good to go, go on complete your route.
12 Because we didn't -- so it was that time. That time. Oh,
13 and then the mirror.

14 BY MR. BIESECKER:

15 Q. And we'll talk about that one.

16 A. Oh, then the mailbox.

17 Q. Okay.

18 A. There was a mailbox. There is this -- it's like a
19 cul-de-sac. And my student lived the second house from the
20 end on the right. And -- I mean, do it a thousand times, you
21 can do it right. But anyways, this particular day, the
22 neighbor was having some kind of little get- -- function or
23 something. It was a lot of cars there. So what I did was --
24 because we're always told don't back up. So I couldn't back
25 all the way up out of the street. So what I did, I backed up

1 enough to pull into the student's driveway sideways, and then
2 I was backing up. And -- I was backing up. And I -- I
3 looked in my mirror and I lost sight of the across-the-street
4 mailbox. But my student that was getting off there, he was
5 looking for me. And I said -- I -- well, anyways -- hearsay.
6 But anyways, I hit the mailbox. I didn't, like, crush it,
7 but I bent it over. I hit the mailbox. It was still an
8 accident.

9 Q. And were you disciplined for any of those accidents?

10 A. Oh, no. No.

11 Q. Okay. Are accidents cause for -- automatic cause for
12 termination?

13 A. No. Oh, no. There's a lot of drivers -- is that
14 hearsay?

15 No. There are -- some drivers -- people have
16 accident and go to training, retraining. They don't get
17 terminated on the spot. No.

18 Q. Okay. And if you're involved in an accident, as a bus
19 driver, what -- what are you supposed to do, to your
20 understanding of the manual, the transportation manual?

21 A. Well, you're supposed -- the first thing is, you know,
22 you're supposed -- you're involved in an accident. You radio
23 in to the shop. So I called -- you call -- you radio in to
24 the shop. Call David. And then you check on your -- your
25 students that's on the bus.

1 Now, it says that you can stop, but -- or if it's
2 an unsafe place, you are allowed to move, according to the
3 paper in my. . . But anyways, stop the bus, call in, check
4 on the students, try to -- look at the damages and -- you
5 know. I don't know particular order. But, yeah, that's what
6 you do. You stop -- call in, stop the bus.

7 Q. Okay. And on May 11th, 2018, you were involved in an
8 accident with Bobby McDonald; is that correct?

9 A. That's correct.

10 Q. Okay. Tell me what happened there, the details of how
11 that wreck happened, where you were, how it went down.

12 A. Okay. So you want me to just start right there at the
13 spot?

14 Q. Yeah. Tell me what happened with the accident.

15 A. Okay. I was going East Division. He was going West
16 Division. It's a two-lane street. And it's very narrow.
17 Which I drove it many times. But it's very narrow. And on
18 my side it's a ditch, because -- then there's the railroad
19 track.

20 So I was driving. And right when I was getting in
21 the turning lane, because there was a -- well, I was
22 waiting -- there was a black car in front of me. So I was
23 behind this car. And I was getting in the right turning
24 lane. And I heard a pop. It was a loud pop. Really I
25 thought I had a blow-out. But anyways, I heard a pop. I

1 heard a pop.

2 And I -- the first thing I did was I called David.
3 I called the shop. And I told him -- I hadn't even gone
4 across the railroad track yet. I was just sitting there. I
5 was talking to him first. And I had had a couple -- I had a
6 couple students get up and look out the right side to see if
7 they could see if the tire was popped or not. And then
8 they -- the students got all -- oh, gosh. These are
9 preteens, teenagers. And they heard this pop and they were
10 all riled up. And everybody was talking and whatever. I'm
11 just telling them to hush. I'm just wait -- I was talking --
12 I called David. And I was talking to him. His first thing
13 was, is -- is there any damage to the bus? And I said, Yeah,
14 my mirror is cracked. He said, Well, can you drive? And I
15 said, Yes, David, I can drive the bus. There's nothing wrong
16 with the bus. It's the mirror that's cracked up. So -- and
17 he told me to go to my first stop, which was go across the
18 railroad tracks and make a right on Wilson, is where my first
19 stop was. And I did that. And I was talking to -- still
20 talking to him. And I was trying to find out -- kids was so
21 loud. But I was trying to find out who was other driver,
22 because I've never seen that bus before. And that's when I
23 heard somebody call in and say it was Bobby McDonald.

24 Now, for him -- he didn't -- he -- he couldn't
25 stop either. His first pull-over was about a --

1 Q. Well, stick to -- stick to your first --

2 A. Okay. So I was still talking to David. And I told him
3 how many stop -- about how many stops I had on the bus. And
4 I -- and I -- and he said, Well, just keep talking to me
5 and -- you know, if you have any problems, just let me -- if
6 you have any problems, let me know. So I just continued to
7 drop the students off as I got to them. And they were -- oh,
8 God, they were so loud. And then finally I told the
9 students -- can I say that? I told the students, they
10 need -- you need to hush or you're going to be here sitting
11 for an hour sitting on a bus. That's how long it's going to
12 take them to bring another bus over here. And I said that to
13 quiet them down. And, man, did they get quiet. So I
14 continued to drive. I was still talking to David. And, you
15 know, when I got to the -- one -- the next to the last -- the
16 next to the last student house, drop-off, right there is --
17 you got to make a three-point turn -- if you know what a
18 three-point turn is. Okay. So -- and if you do something
19 consistently, every day, twice a day, you should get it.

20 So my thing was, I knew the left-hand mirror was
21 gone. But I still had, like, five other mirrors. So -- and
22 I knew exactly where to pull up. My pull-up point was the
23 tree. So I pulled up to the tree and did my little turn and
24 backed back out in the street. Oh, before I -- when I
25 pulled -- before I pulled up to the tree, I looked in my

1 rearview mirror, the mirror over -- the rearview mirror. And
2 I said, oh, man this is going to be tricky. Because I was
3 trying to -- a 44-foot bus. But anyway, I backed on up and
4 kept going. And I was still talking to David, telling him
5 where I was.

6 And then when I dropped the last student off, I
7 told David I was on my way back to the shop. And he said,
8 okay, let me know when you pull up. So I was driving, and
9 then -- down Mount Juliet. So right before I got to West
10 Wilson, I got over in the left lane. And there's a turning
11 light there. I called David. I said, okay, I'm turning up
12 by West Wilson Middle School. Do you want me to pull on the
13 concrete block? And he said, Nah, just park in your normal
14 spot. So I drove around, parked in my spot. David walked
15 out. He had another mirror. He took off the mirror. He and
16 I were talking while he was doing it because it was so fast.
17 And he said, yeah, that was Bobby driving that other bus. He
18 probably couldn't judge his distance. He was in -- I said,
19 that wasn't Bobby's bus. He said, yeah, he was in a
20 different bus, and he probably couldn't judge the distance.

21 So I said did you bring me my accident report?
22 And he said, yeah. He gave me the accident report. I filled
23 it out and -- I gave it back to him. And I said can you put
24 this in the office for me? And he said, yeah. And that was
25 that.

- 1 Q. Okay. And when you say you were talking to David
2 Johnson the entire time, were you using a cell phone or a CB?
3 How were you communicating with David Johnson?
- 4 A. No. I was using the bus CB. I was using the bus thing.
- 5 Q. Bus radio?
- 6 A. Yeah.
- 7 Q. And are you allowed to -- bus drivers allowed to use the
8 bus radio while driving?
- 9 A. Yeah. You can. That -- I mean, you can't use it for
10 pleasure, but you can -- yeah. You're supposed to use it.
11 They expect for you to use it. To communicate.
- 12 Q. Were any students hurt?
- 13 A. No.
- 14 Q. Any students complain?
- 15 A. Oh, no. No. Those guys was too busy coming up with
16 their version of what happened and -- no.
- 17 Q. And did -- was your window broken on your side of the
18 bus? Did you break -- was there a broken window, or was it
19 just the mirror?
- 20 A. No, sir. I don't drive with my window open. I don't
21 like that air coming in my face. My window -- what is that
22 about an inch? My window -- if it's open, it's open about an
23 inch. Maybe about an inch or so, inch and-a-half.
- 24 Q. Okay.
- 25 A. But, no, my window wasn't broken.

1 Q. And so were the students -- I mean, I think you heard
2 during the opening. Was there students brushing glass off
3 them, or was it some other debris?

4 A. Well, I thought it was glass. I really did. I thought
5 it was glass until -- David told me it was that silver
6 reflector stuff. Well, the kids was brushing it off so easy.
7 And -- oh, it looks like that silver confetti stuff. I don't
8 know. It's -- it's little reflector stuff.

9 Q. Okay.

10 A. I didn't have any glass. I thought it was. Because
11 when I got off the bus, I said, man, look at all this glass.
12 And David said that's not glass, that's the reflector from
13 the inside of the mirror.

14 Q. Were you ever told who was at fault for the accident?

15 A. No, sir.

16 Q. Do you know if Bobby McDonald was ever disciplined for
17 the accident?

18 A. I don't think he was. He was right back driving. As a
19 matter of fact -- hearsay.

20 Q. And you testified earlier about if there's an accident,
21 bus drivers can be sent for training or retraining. What
22 does that consist of, if you know?

23 A. Well, if you have something happen on -- while you're
24 driving, and they'll take you back to Lebanon to the training
25 room, and you have to look at the videos again and go through

1 all the booklets again to, you know, address what are you
2 supposed to do when you're driving. Evaluate your mistakes.

3 Q. Okay. And so then were you suspended?

4 A. Me?

5 Q. Were you eventually suspended for this accident?

6 A. I didn't have any retraining. I wasn't even given an
7 option of retraining. I was suspended on the spot without
8 pay.

9 Q. Well, tell me -- tell me about that, how you were
10 notified you were suspended.

11 A. I was -- I was getting ready to leave the -- I had
12 parked my bus and I was getting ready to leave West Park.
13 And Theresa Pomeroy come running out. And she go, Wait a
14 minute. Don't leave. Don't leave. Jerry want to talk to
15 you.

16 And I said, No, I've got to go to Springfield.
17 I'm getting my mom in assisted living. And I got to meet
18 with the social worker.

19 I don't even know where Springfield is.

20 So she said, Well, can't you just wait; he's
21 turning the corner.

22 So I was walking back toward my car, and he just
23 came up out of nowhere in that Jeep thing. I guess it's one
24 of the Jeeps that they drive. It's a Jeep. County Jeep,
25 school Jeep. So -- but he pulled up right -- right there.

1 And he said, Come over here.

2 And I said --

3 He said, I want to talk to you.

4 And I said, I got to go -- no, I can't talk right
5 now. I got to be at Springfield.

6 And I explained to him the situation about --

7 And he said, Well, I need to talk to you.

8 I said, I can't talk to you. You should have --
9 you should have told me before now.

10 You know. In other words, once you're off the
11 clock, you're off the clock. So if he had wanted to talk to
12 me, he should have told me prior to -- he could have radioed
13 me or whatever.

14 But anyway, so he said -- he wrote on the little
15 piece of paper -- he said, Here, here's my cell phone. I
16 want you to call me. I need to know where you are -- and I'm
17 going like, you -- you can't talk -- you don't -- you don't
18 talk to me like that. In other words -- I can't explain how
19 I said it, but my thing is this, is, like, you talk to me the
20 way I'm talking to you. And Jerry was not talking to me that
21 way. He was talking to me in a very stern, like demanding
22 way.

23 And I said, Well, I'll call you.

24 But I went on and found Springfield, went on back
25 to my house. Of course, I threw his number away because I

1 wasn't going to call. I don't have to check in with him.
2 But when I got back to my house, it was before -- because he
3 had said 1:00. So I got back to my house. I had been
4 thinking about it when I was driving on the freeway. And --
5 so when I got back to my house, I called it, in Lebanon, and
6 he -- I was going, like, okay, I finished; I'm back now.
7 What do you want to talk about?

8 He said, No, I want you to come up here.

9 And I said, Jerry, don't have any drive all the
10 way -- I've got a quarter of a tank of gas. I mean, that's
11 enough to get me to work and back. I said, I have a quarter
12 of a tank of gas. Do not have me drive all the way to
13 Lebanon if you just going to fire me.

14 Oh, I'm not going to fire you. I can't fire you.

15 I said, So --

16 I just want to talk to you.

17 I said about what? I said, Okay. So I went on to
18 Lebanon.

19 When I get up there, went up in the trailer. So I
20 went in his office and I sat down. And I said, So what do
21 you want to talk about? So he leaned back in his chair, and
22 he going, like, just wait. I said, What am I waiting for?
23 You told me to come up here; you wanted to talk to me.

24 Well, just wait a minute.

25 I said, Jerry, it's almost time for me to go and

1 get on my bus -- I got to go start my run.

2 No, just wait. I'm waiting for somebody.

3 So I knew right then -- I'm like, oh, okay. So
4 about 1:15 -- now, you done told me to be there at 1:00. So
5 about 1:15 this woman walks in. I don't know who she is. I
6 never seen her before. But I figured she had to be something
7 affiliated with him. She walks in and she takes her seat.
8 Then he introduces her, Rebecca Owens from HR. So I'm, like,
9 oh, God. I'm thinking I'm going to get wrote up or
10 something. So then they start on the video. And, okay, I
11 watched the video, and two or three times they kept playing
12 the same thing over and over about the stuff flying in the
13 air on the kids and all that. And I kept -- I made some --
14 oh, on the video, I said Ijamama. And then that's when
15 Rebecca Owens says, oh, what does that mean? And I looked at
16 her, because it's like -- I don't even know you like that. I
17 said it's a cliché that a person would use to not use
18 profanity around kids or anywhere. Cliché. So she told him
19 play it again. And I'm going oh. So he played it again.
20 Ijamama. Okay.

21 So then she was looking at me -- you know, I've
22 looked at -- so then that's when they came out with this
23 paper with the questions on it for me to answer. So I'm
24 going, like -- I was reading it. And I said, no, that didn't
25 happen. No. So then I told them give me the paper, let me

1 take this paper home and answer these questions
2 appropriately. I'm not just going to jot down something.
3 No. Because half this stuff -- so I was given the paper to
4 take home. I was told that it had to be back in Lebanon that
5 day before 5:00, or whatever. I made the deadline. I went
6 straight home, answered the questions, faxed it over to these
7 guys. And then the next thing he --

8 Q. Well, if I may. If you turn to Exhibit 5 in the book,
9 please. I believe it's a copy of your suspension letter.

10 A. Oh, yeah. What -- where?

11 Q. Exhibit 5, Ms. Robinson.

12 THE COURT: Can you make it bigger so the jury can
13 see it.

14 THE WITNESS: That's all blurry.

15 BY MR. BIESECKER:

16 Q. Is that sufficient, or does it need to be larger?

17 A. Yes. This is -- yeah. Yes. This is the paper.

18 Q. That's the suspension letter you received?

19 A. Yes, sir.

20 Q. And what's incorrect in this letter?

21 A. Okay. The first 3 and -- and number 4, the -- number 4,
22 right there where it says I did not check the bus to
23 determine whether it was safe -- yes, I did, because I was
24 talking to David and David asked me that same question. He
25 said -- he asked me if anything was wrong with the bus. And

1 I said, no. And he said can you drive it? And I said, yeah.

2 But anyways. . .

3 Q. And you refused to sign this letter, correct?

4 A. Yes, I did.

5 Q. Okay. Why did you refuse to sign it?

6 A. Because you don't accuse me of doing something that I
7 did not do.

8 THE COURT: I'm going to ask you to get a little
9 closer to the microphone.

10 THE WITNESS: Oh. I can't get it just right. Oh.
11 I almost fell.

12 Because I don't -- I don't feel comfortable with
13 being accused of something I didn't do.

14 BY MR. BIESECKER:

15 Q. Okay. And eventually, after this -- after the
16 suspension meeting, were you terminated?

17 A. Oh, yeah. I -- I feel this letter was already wrote up
18 when they got there, because they pulled it right out. So
19 you already knew you were going to terminate me. He
20 suspended me without pay on the spot. I refused to sign it.
21 She told -- Rebecca Owens told Jerry Partlow, oh, just go on
22 and sign refused to sign. And that's when he did that. And
23 then a couple of days later -- a couple of days later I get a
24 letter from Donna Wright telling me I'm terminated. So I'm
25 going, like --

1 Q. Well, if you would turn to Exhibit 6 in that binder in
2 front of you.

3 A. 6. Okay. Yeah. Yes, sir.

4 Q. Is that a copy of the termination letter you received?

5 A. Yes, sir.

6 Q. And just go back real quickly. I want to make sure it's
7 clear. The suspension letter you received was already typed
8 up and waiting for you during your suspension meeting; is
9 that correct?

10 A. That's right. Yes, sir.

11 Q. Okay.

12 A. Can I -- no. Go on.

13 Q. And you received this letter in the mail?

14 A. Yes, sir.

15 Q. Did you have any meetings or communications regarding
16 your termination, or did you just receive this letter?

17 A. No, sir. Can I say as well --

18 THE COURT: Wait on him to ask a question.

19 BY MR. BIESECKER:

20 Q. Well, is there anything you don't agree with in your
21 termination letter?

22 A. Yeah. I was just going to say in both -- these --
23 these -- they are -- I'm being accused of admitting -- you
24 admitted that you. . . I never admitted that. If you would
25 look -- I mean, I never admitted that. I never said I hit

1 Bobby's bus. They keep saying you admitted hitting his bus.
2 You admitted caused the accident. No. There's a lot in
3 there. I disagree.

4 Q. Okay. Anything else other than the admissions they're
5 referring to?

6 A. I'm sorry? What did you say, sir?

7 Q. Anything else you disagree with in this letter other
8 than the admissions that you discussed? Or anything else
9 that's untrue in this letter?

10 A. Well, I don't know if -- it's saying you did not stop --
11 you -- you -- you -- I -- is it you or I? I have to stop the
12 bus. It's a railroad track.

13 Q. Okay.

14 A. The bus was stopped.

15 Q. And did you -- did you write a letter in response to
16 your termination letter?

17 A. Yes, sir. About three pages.

18 Q. If you would, turn to Exhibit 4 in that binder in front
19 of you, please.

20 A. Okay. Yes. Yes, sir.

21 Q. And do you see that? Do you see Exhibit 4?

22 A. Yes, sir.

23 Q. And who is Donna Wright?

24 A. Donna Wright, from my -- is it director of schools or
25 something? I think she's the director of schools.

1 Q. And why did you feel compelled to write this letter?

2 A. Oh, God. I was just -- I was -- I was very distraught.
3 I was very -- it's hard to -- it's hard for me to explain
4 what compelled me to write these letters. Feelings -- I was
5 just -- I was just -- I was very despondent. I was -- I just
6 -- it was just, like, unbelievable feelings of -- feelings
7 of. . .

8 Q. Well, in -- excuse me.

9 In paragraph 1 -- I would like to draw your
10 attention to paragraph 1 of your letter there. You say, I
11 would like the investigation not to include Jerry Partlow
12 director of schools -- or I'm sorry.

13 "I feel that my initial investigation was bias and
14 bias on discrimination of my racial heritage. I would like
15 to request that my investigation not include Jerry Partlow,
16 director of school transportation, or Rebecca Owens, deputy
17 superintendent."

18 So how did you feel like your race was at issue?

19 A. How do I -- I didn't -- I didn't see that, what part you
20 speaking of. The second paragraph?

21 Q. The first paragraph.

22 A. Oh, the first paragraph.

23 THE COURT: Why don't we take our morning break
24 and then maybe you can enlarge it or get it so it's clear.
25 Because I think the jury's having trouble at this point.

1 MR. BIESECKER: Thank you, Your Honor.

2 THE COURT: All right. We'll take a 15-minute
3 break.

4 (Recess.)

5 THE COURT: All right. Be seated.

6 All right. We can continue with the direct
7 examination.

8 BY MR. BIESECKER:

9 Q. Ms. Robinson, looking at Exhibit 4, that you reviewed
10 again.

11 THE COURT: Did we pass out the exhibit books to
12 the jury?

13 MR. BIESECKER: Yes, sir.

14 THE COURT: Okay. Good. Good.

15 BY MR. BIESECKER:

16 Q. So I'm --

17 THE COURT: That's one --

18 MR. BIESECKER: I'm not going to put anything up
19 there any more. Is that okay?

20 THE COURT: That's fine. Is that 1 through 21?

21 MR. BIESECKER: Yeah. I assume that might be
22 easier with the exhibit books.

23 THE COURT: Indeed.

24 BY MR. BIESECKER:

25 Q. Ms. Robinson, looking at Exhibit 4. You reviewed that

1 again.

2 You drafted that letter to Donna Wright; is that
3 correct?

4 A. Yes.

5 Q. And do you stand by everything in that letter?

6 A. Yes.

7 Q. Okay. Now, I would like to move on.

8 Do you know if it's a state law for a bus driver
9 to use a cell phone while they're driving?

10 A. No, it's against the rules.

11 Q. Okay. I would like you to turn to Exhibit 3.

12 And there we have the Tennessee Code. Have you
13 seen that Code before, regarding school bus drivers and use
14 of cell phones?

15 A. Yes, sir.

16 Q. And on page 2 of the exhibit, section D, it lays out
17 what the penalties are for that, for violation of this Code,
18 correct?

19 A. Yes.

20 Q. And you also, I believe testified, that it's a violation
21 of Wilson County's transportation manual; is that correct?

22 A. Yes.

23 Q. If you would, turn to page -- or Exhibit 13. And let me
24 know when you're there on the first page.

25 A. Yes.

1 Q. Are you there?

2 A. Yes.

3 Q. And did you write Exhibit 13, page 1?

4 A. Yes.

5 Q. Do you recognize that as the Wilson County
6 transportation manual?

7 A. Yes, sir.

8 Q. And I believe it's dated July 1, 2017, correct?

9 A. Yes, sir.

10 Q. If you would turn to page 7 of that manual. And the
11 page numbers are in the upper right-hand corner.

12 A. Yes.

13 Q. And do you see the bottom of page 7 there, where it
14 talks about cell phone usage?

15 A. Yes, sir.

16 Q. And is that the policy as you understood it during your
17 employment with Wilson County?

18 A. Yes, sir.

19 Q. And could you please -- what is the -- could you read me
20 what the -- the penalty is for being caught in violation of
21 cell phone? The third sentence there.

22 A. "If a driver's found to have violated this prohibition,
23 it will result in the recommendation for immediate
24 termination."

25 Q. Thank you.

1 And when you received your letter of termination,
2 just to be clear in the record, were you ever offered the
3 opportunity to retain?

4 A. No, sir.

5 Q. No retraining on the policy and procedural manual?

6 A. No, sir.

7 Q. Have you ever been offered your job back, where they
8 said, hey, can you come back to us?

9 A. No, sir.

10 Q. Okay. During your time at Wilson County Schools, were
11 you aware of any white bus drivers being caught using their
12 cell phone?

13 A. Yes.

14 Q. Yes?

15 A. Yes, sir.

16 Q. And who were those folks, if you can remember?

17 A. I can't -- I can -- I know for -- I know -- I don't know
18 their -- last -- Gary --

19 Q. Well, I may be able to help. Exhibit 2. If you turn to
20 Exhibit 2 of your binder there. This is a list of -- of bus
21 drivers who were terminated during the relevant timeframe.
22 And it has the race, name, and reason there on Exhibit 2.

23 A. I know --

24 Q. Well -- and -- so do you recognize the name Gary Stomal?

25 A. Yes.

- 1 Q. And do you see Mr. Stomal listed on there?
- 2 A. Yes, sir.
- 3 Q. And do you recall him?
- 4 A. Yes.
- 5 Q. Was he caught using a cell phone?
- 6 A. Yes.
- 7 Q. And what was Mr. Stomal's race?
- 8 A. He was white.
- 9 Q. And was he allowed to return?
- 10 A. Yes, sir.
- 11 Q. Okay. Do you remember a Henry Ricky Tudors?
- 12 A. Yes.
- 13 Q. And what was Mr. Tudor's race?
- 14 A. White.
- 15 Q. And do you recall if he was caught using a cell phone?
- 16 A. Yes.
- 17 Q. And was he returned to work?
- 18 A. Yes.
- 19 Q. Do you recall working with a Michelle Watson?
- 20 A. Yes.
- 21 Q. And what was her race?
- 22 A. White.
- 23 Q. And was she caught using her cell phone?
- 24 A. Yes.
- 25 Q. And to your knowledge was she returned to work? Do you

1 know?

2 A. I'm not sure, but I think Michelle did go back to work.

3 Q. Okay.

4 A. That was while I was there.

5 Q. While you were still employed with Wilson County?

6 A. Yeah. So I don't know, but what's -- I don't -- yeah.

7 Yes, sir.

8 Q. And if you turn to the second page of that exhibit, they
9 were all -- all these bus drivers were supervised by
10 Mr. Partlow; is that your recollection?

11 A. Yes, sir.

12 Q. Okay. Any other white bus drivers you're aware of that
13 had severe wrecks were allowed to continue working to your
14 knowledge?

15 A. Yes, but I -- I did not know their names.

16 Q. Okay.

17 A. I know there were other drivers caught, yes.

18 Q. Okay. You can set that exhibit down.

19 What were you making per hour with the school?

20 A. When I left?

21 Q. Yes, ma'am.

22 A. I think they had -- I think they had just gave us a
23 raise. It was 16 -- \$16 and some change.

24 Q. If you would, turn to Exhibit 9.

25 A. Yes.

1 Q. Is that -- do you recognize that as one of your last
2 paychecks?

3 A. Yes, sir.

4 Q. And I believe it says you're making 19.98 an hour; is
5 that correct?

6 A. Yes.

7 Q. And how many hours a week did you work?

8 A. 30.

9 Q. Okay. Did you have any other benefits with Wilson
10 County?

11 A. Any?

12 Q. Any other benefits besides your hourly wage?

13 A. Well, I had my medical -- my medical. I don't -- just
14 my medical. Medical, dental.

15 Q. And you mean medical insurance?

16 A. Medical insurance, yes.

17 Q. Okay. And was there any sort of summer benefit pay or
18 paycheck like that over the summer?

19 A. Yes. We always had an end-of-the-year bonus.

20 Q. And how much was that?

21 A. I'm not really sure because it went up. It's about
22 maybe 900.

23 Q. Okay. And after your termination from Wilson County
24 Schools, did you have an the opportunity to continue your
25 insurance benefits?

1 A. No. I -- I was offered COBRA, but it was way too high.

2 Q. Okay. So you couldn't afford to pay the COBRA premium?

3 A. No, sir.

4 Q. Did you have any uncovered medical bills due not to
5 having insurance with Wilson County, that you had to pay out
6 of pocket for?

7 A. Yes.

8 Q. Do you know how much -- about how much those were?

9 A. You mean unpaid medical bills?

10 Q. Or bills you had to pay out of your pocket.

11 A. Oh. I don't know. Maybe about -- I don't understand
12 the question.

13 Q. Due to your loss of insurance -- you had insurance with
14 Wilson County, medical insurance, correct?

15 A. Yes, sir.

16 Q. And you lost that insurance when you were terminated?

17 A. Yes.

18 Q. And you could not afford the COBRA payments, correct?

19 A. No.

20 Q. And do you remember how much the COBRA payments were
21 monthly?

22 A. \$2,300 a month.

23 Q. And as a result of not having insurance with Wilson
24 County, did you have any medical bills that you had to pay
25 out of your own pocket or remain owing?

1 A. Oh, yes. About -- about \$5,000.

2 THE COURT: I need you to talk into the
3 microphone.

4 THE WITNESS: About \$5,000.

5 BY MR. BIESECKER:

6 Q. Okay. And if you would, turn to Exhibit 10. And do you
7 recognize these as your income tax returns for 2018?

8 A. Yes, sir.

9 Q. And you have two dependents listed? Who are those
10 dependents?

11 A. My granddaughter and my grandson.

12 Q. Okay. And did they live with you in 2018?

13 A. Yes, sir.

14 Q. Okay. If you would turn to Exhibit 11.

15 Do you recognize that as your 2019 taxes?

16 A. Yes, sir.

17 Q. And you have two dependents listed there, as well.
18 That's grandchildren, correct?

19 A. Yes, sir.

20 Q. And did your grandchildren live with you in 2019?

21 A. Yes, sir.

22 Q. Did they live with you in 2020?

23 A. No. After -- after I was evicted, I had to send them to
24 my daughter.

25 Q. Okay. And when were you evicted? Do you recall?

1 Well, actually, if you would turn to Exhibit 12.

2 Is this the eviction order you're speaking about?

3 A. Yes, sir.

4 Q. Okay. And when were you evicted?

5 A. Well, I fought it as long as I could. I was actually
6 extricated on Mother's Day, May 12th.

7 Q. Okay. And why -- what happened when you were evicted
8 with. . . What happened to your property and the home,
9 et cetera?

10 Well, how is this -- or please go ahead.

11 A. I lost everything. Everything was thrown out in the
12 yard. I don't like talking about it.

13 Q. Okay.

14 A. All the kids' stuff. Everything. I don't like talking
15 about it.

16 Q. Okay.

17 A. I'm sorry.

18 Q. Can you talk about how it mentally and emotionally
19 affected you to lose your job from Wilson County?

20 A. Yeah. They took everything from me. Everything. I
21 lost everything. Just -- they didn't want to account for
22 anything. I lost everything. I lost my livelihood. I lost
23 faith. I -- I. . . It's something that can -- I -- I won't
24 never get over. I'm still being treated for it. It's called
25 depression. It's called being distressed. It's called being

1 humiliated. It's called -- everything that you can think of.
2 For no reason.

3 Q. Okay. Thank you.

4 MR. BIESECKER: If I may have just a few minutes,
5 Your Honor, with my notes.

6 THE COURT: Sure.
7 (Respite.)

8 MR. BIESECKER: I have no further questions, Your
9 Honor.

10 THE COURT: All right. Cross.

11

12 CROSS-EXAMINATION

13 BY MR. SPINING:

14 Q. Good morning, Ms. Robinson. My name's Carl SPINING.
15 We've met before. But I have a couple of questions for you
16 this morning.

17 I was going to start with the pay stub that you
18 were just talking about, and, specifically, the benefits that
19 you received during your term of employment with Wilson
20 County Schools in the 2017 and 2018 year. Do you follow me?
21 You started back to work in August of 2017, correct?

22 A. Correct.

23 Q. And you worked for the school year of 2017 and 2018, up
24 until your termination later in May, correct?

25 A. Yes. In May.

1 THE COURT: Okay. I need you to get closer to
2 that microphone.

3 THE WITNESS: May.

4 THE COURT: Thanks.

5 BY MR. SPINING:

6 Q. And I wanted to see if I could refresh your memory that
7 perhaps you did not receive medical benefits during that term
8 of employment. That you were actually on Medicare during the
9 time that you were employed May of -- school year 2017/2018.
10 Does that refresh your memory?

11 A. I have always gotten Medicare since I turned 66.

12 Q. Fair enough. But you did not receive medical benefits
13 from Wilson County during your employment from August of 2017
14 to 2018, correct?

15 A. I'm not sure. Did I sign back up?

16 Q. Well, your benefits are on your pay stub, which was
17 Exhibit 9. And it lists, of course, Social Security. And it
18 lists things like holiday and snow time and even training
19 time as benefits. But it nowhere indicates that you were
20 receiving medical benefits from Wilson County and having it
21 deducted from your paycheck.

22 A. I never noticed my paychecks as far as that.

23 Q. Okay. Also, I wanted to ask you, after your termination
24 from Wilson County Schools, did you find other employment?

25 A. No, sir. I did -- I tried.

1 Q. Well, again, just to refresh your memory, didn't you
2 work at a camp? I think it was called Burns --

3 A. Yes, I did.

4 Q. And did you receive compensation for that work?

5 A. Yes, I did.

6 Q. Do you recall what your wage was?

7 A. Maybe \$170 every two weeks.

8 Q. And how long did you work there?

9 A. From August of -- September of 2019 until the -- when
10 they had to shut down, when the virus came, I think, in
11 March.

12 Q. March of '20?

13 A. Yeah.

14 Q. And you also worked at AAOC, which was also a camp?

15 A. Yes.

16 Q. And when did you work there?

17 A. Prior to the Burn Boot Camp.

18 Q. And how long did you work there?

19 A. About seven months maybe.

20 Q. And what was your compensation?

21 A. \$300 -- I think it was \$300 a week there.

22 Q. And did you seek any other employment besides those two
23 jobs?

24 A. Yes, I did.

25 Q. And was that at Wise Coach?

- 1 A. Yes.
- 2 Q. Did you receive that employment?
- 3 A. No. I didn't get hired.
- 4 Q. Why not?
- 5 A. Because of my medication.
- 6 Q. Did you fail the drug test for being a driver?
- 7 A. Yes. I always failed the drug test.
- 8 Q. Had you had surgery recently when you made that
- 9 application?
- 10 A. No, I hadn't had surgery then.
- 11 Q. When you were terminated, I think later that summer,
- 12 didn't you go have hand surgery?
- 13 A. Oh, after -- you're talking about Wilson County?
- 14 Q. You were terminated in May of 2018.
- 15 A. And in June of 2018, I had to have carpal tunnel surgery
- 16 for my hand when my hand was damaged from doing the --
- 17 pushing and the pulling on the brakes.
- 18 Q. And you also had a surgery in October of 2017. Do you
- 19 recall that? And you were off work for two months, from
- 20 October to --
- 21 A. Was it '17 or '16?
- 22 Q. It was '17.
- 23 A. Okay. If it was October '17 -- I thought it was October
- 24 '16. I had back surgery.
- 25 Q. And then prior to that, in April and May of '16, you

1 requested leave from Wilson County Schools to have rotator
2 cuff surgery. Do you remember that?

3 A. Yes, but I didn't get it. I wasn't approved and I
4 didn't get that surgery.

5 Q. But you submitted leave requests to go have the surgery?

6 A. I submitted a request for leave, FMLA.

7 Q. And then it was that same summer, July of '16 that you
8 resigned from your employment in your first tenure with
9 Wilson County Schools, correct?

10 A. That is correct. That is -- yes. That is correct.

11 Q. Have you sought any other employment since your
12 termination other than the three that we've talked about?

13 A. No.

14 Q. Can you operate a school bus now?

15 A. Not at the present time, no.

16 Q. And could you operate a school bus in the summer of
17 2018?

18 A. Yes.

19 Q. When did you lose the ability to operate a school bus?

20 A. Just this year. October -- I had my total shoulder
21 replacement in -- June 22nd of this year, 2021.

22 Q. When you applied for the job at Wise Coach, what
23 medications were you taking that prevented you from passing
24 their drug test?

25 A. For my depression. For -- I was taking my gabapentin,

1 my hydrocodone, my Flexeril, my sertraline.

2 Q. And hydrocodone is a pain medicine, correct?

3 A. Yes.

4 Q. And what was that treating? What pain were you having?

5 A. It was for my back.

6 Q. No. I'm -- what was the injury to your body that caused
7 you to take hydrocodone?

8 A. My back. My back.

9 Q. Oh, I'm sorry. I didn't hear you correctly. Thank you.

10 A. Sure.

11 Q. Now, when you worked at Wilson County schools, you
12 had -- you were provided a handbook that had the rules and
13 regulations. And I think you've already read some of those.
14 You had that handbook in your possession, correct?

15 A. That's correct.

16 Q. And you received training from I think Theresa Pomeroy
17 or someone else at the bus depot --

18 A. (Witness moves head from side to side.)

19 Q. You didn't receive any training?

20 A. Yes, but Theresa never trained me. I had my training in
21 Lebanon and it was with -- oh, God. What's her name? Out in
22 Lebanon. Not Theresa, though.

23 Q. Okay.

24 A. It was --

25 Q. Was she an employee of Wilson County Schools?

- 1 A. Teri. That's her name. Teri.
- 2 Q. Thank you.
- 3 A. Teri trained me.
- 4 Q. And did she provide you information about the rules and
5 regulations for driving a bus?
- 6 A. Of course.
- 7 Q. And, in fact, I think you obtained your CDL to be able
8 to drive a bus, right? You didn't have one before you became
9 a bus driver?
- 10 A. No, I did not.
- 11 Q. And in the handbook and in your training, did you learn
12 that in the event of an accident, you are to stop the bus --
13 is that correct?
- 14 A. Yes. Yes, that's correct.
- 15 Q. And you are to check on the -- on the students, correct?
- 16 A. That's correct.
- 17 Q. And you are also to check on the status of the bus,
18 correct?
- 19 A. That's correct.
- 20 Q. And, in fact, you had experience with these protocols in
21 your previous accidents as a bus driver; is that true? Let
22 me -- I'll try to be more specific.
- 23 A. With two.
- 24 Q. Correct. So you had the accident -- I think it was at
25 Rutland, where you accidentally knocked the bus into gear and

1 it rolled back into a different bus, correct?

2 A. They didn't touch. But you're correct, it was at
3 Rutland.

4 Q. And sounds like a pretty minor accident; is that fair?

5 A. The buses didn't touch.

6 Q. And still you called the bus depot, Mr. Shane Cook, to
7 come out and inspect, correct?

8 A. Gary called.

9 Q. And you waited there with the buses stopped until
10 Mr. Cook came to examine the buses; is that right?

11 A. Yes, we did.

12 Q. And you did not continue your route until Mr. Cook gave
13 you the go-ahead, correct?

14 A. We hadn't started the route. But, yes.

15 Q. So you didn't have any students on the bus?

16 A. They were loading.

17 Q. Because that's what -- I was thinking you said that --

18 A. Oh, you're saying on the route. We wasn't on the route.

19 Q. Not on the route. When you knocked the bus out of gear,
20 you were getting out of your seat to try and address some
21 student behavior; is that right?

22 A. Right. They were loading the -- the students was
23 loading. And, yes.

24 Q. And in that situation, you followed the protocols when
25 an accident occurs, correct?

1 A. Yes. We called Shane.

2 Q. And you were not terminated for having that accident,
3 were you?

4 A. No.

5 Q. You continued to drive for Wilson County Schools,
6 correct?

7 A. That is correct.

8 Q. For several more years, until you resigned, right?

9 A. I don't remember how long, but, yes, I did.

10 Q. And you also had another accident that -- that was not
11 your fault. You mentioned it. But the car ran into your
12 bus. And in that accident you stopped the bus immediately,
13 correct?

14 A. The car ran under the back of the bus and the bus was
15 sitting still with the -- with all the stop signs and
16 flashing lights on. Students was unloading.

17 Q. And you did not continue your route, correct?

18 A. There was a car under the bus. No, I didn't continue
19 the route.

20 Q. So the point is that you stopped the bus, you checked on
21 the children, and you waited for someone to bring you a new
22 bus in that incident, correct?

23 A. I want to say yes, but you're not stating it right. The
24 bus was stopped. And when the car ran under the back of the
25 bus, I had to call dispatch.

1 Q. And you had to wait?

2 A. Yes.

3 Q. Until they brought you a new bus, correct?

4 A. Correct.

5 Q. Now, in the accident on May 11th of 2018, you and
6 McDonald, for lack of a better term, hit mirrors; is that --
7 is that fair?

8 A. That's not fair. Because I did not know it was Bobby at
9 the time. And the mirrors touched. They didn't hit. They
10 barely touched, really. Because they just popped.

11 Q. Fair enough. You heard a pop, and that was your first
12 notice that something had gone wrong, right?

13 A. Exactly. A loud pop.

14 Q. And, in fact, I think you said both in your testimony
15 and on the tape that you thought maybe it was a blow-out or a
16 flat tire, correct?

17 A. That's correct.

18 Q. And yet you continued driving the bus, true?

19 A. No. The bus was -- we -- I wasn't driving the bus. The
20 bus was just going to the turning lane of the -- okay.

21 Q. Did you stop and get out of the bus and inspect what
22 damage may have occurred?

23 A. The bus was stopped. No, I did not get out of the bus.
24 As soon as I heard the pop, or whatever, and I -- the kids
25 looked to the right to see if it was a blow out. Then I

1 looked to the left and I said, oh, she cracked my mirror.

2 And I called David.

3 Q. So it was a few seconds or so after the pop that you
4 realized that you didn't have a mirror, correct?

5 A. No. I got back in my seat and I looked to my left and
6 that's when I noticed it was popped. It was cracked. And I
7 called David.

8 Q. And you said in your direct testimony that the left-hand
9 mirror was gone?

10 A. No, it wasn't gone.

11 Q. It was unusable, right?

12 A. Well, it -- the -- it was about that much on the top,
13 but, no, you couldn't actually -- the biggest part of it was
14 gone. Yes.

15 Q. And --

16 A. But the mirror was still on the bus.

17 Q. Correct. But it didn't work as a mirror? You couldn't
18 use it to see, correct?

19 A. No. Not really.

20 Q. And also when you heard the pop, some debris came inside
21 of the bus on to you and on to the other children, correct?

22 A. Yes.

23 Q. And did you know that they were trying to brush this
24 material off of them, or did you ever check on them?

25 A. Well, we all was doing, like -- well, yeah, they were

1 doing like that. But, no, I didn't get up -- I looked back.
2 I just looked back. I looked back to see what one was doing.

3 Q. But isn't the protocol to stop the bus and get up and
4 check on the children to see if they're okay?

5 A. The bus was stopped. And, yes, protocol is stop the bus
6 and check the kids. But the bus was already stopped. And I
7 didn't get up actually to check on the kids. I just looked
8 back at the kids. So, yes. You're right. Stop the bus and
9 look at the kids. Check the kids.

10 Q. You say the bus was stopped. But you did continue your
11 route, right?

12 A. Because David told me to. Well, he asked me -- the
13 first thing David said is, is the bus okay? And I said,
14 yeah, the mirror's cracked. And he said can you drive? And
15 I said, well -- jokingly I said, yeah, I can drive, David.
16 Of course.

17 Q. So you told him that the mirror was cracked; is that
18 right?

19 A. What -- what terminology would you use?

20 Q. Well, in fact, the mirror was unusable? You didn't tell
21 him that you couldn't see out the mirror, did you?

22 A. Okay. Yes, sir. To me -- can I -- when I say
23 cracked -- okay. If a mirror is cracked, it's common -- it's
24 unusable, isn't it, if it's cracked? What do you say?

25 Q. I'm asking you if you could use that mirror in its

1 condition after you heard the pop?

2 A. No, I couldn't use it.

3 Q. And so you're driving, I think you said, a 44-foot bus?

4 A. That's correct.

5 Q. Without a driver's side mirror, correct?

6 A. That's correct.

7 Q. And you discussed in your direct testimony the
8 three-point turn that you had to make. And you admitted that
9 it was going to be a tricky turn, right?

10 A. Yes, I did.

11 Q. And that's because you didn't have a mirror on your
12 driver's side, correct?

13 A. That's correct.

14 Q. Now, you also made the statement -- it was in your
15 direct, but it's on the video, too, that if I have to stop
16 this bus, then you're not -- you kids are not going to get
17 home until 5 or 6:00, right?

18 A. That's correct.

19 Q. And that was a reference to your previous experience
20 that delays happen when you have to report an accident; is
21 that right?

22 A. No. It's just that they were being so loud and I
23 couldn't hear David talking and I couldn't talk. They were
24 being so loud, overtalking me, I had to use some type of
25 tactic. And I told them, if you -- if you keep going, you

1 keep talking, you're going to be stuck on this -- wait for a
2 whole -- I said, it's going to take an hour for them to bring
3 us another bus and you won't get home until 6:00, so just
4 keep talking.

5 Q. And you said that to the children, is that right, that
6 were on the bus?

7 A. Yes, sir.

8 Q. Now, I wanted to make sure I clear up a couple of names
9 that we've talked about. I think it's clear, but David
10 Johnson is the person that you're talking to on the radio,
11 correct?

12 A. That's correct.

13 Q. And he is a mechanic with the Wilson County Schools that
14 works over at the shop or the bus depot, correct?

15 A. That is correct.

16 Q. And he's someone that you do talk to if you have a need
17 while you're driving the bus, right?

18 A. That's correct.

19 Q. And Shane Cook -- you mentioned Shane. His name is
20 Shane Cook. He also works at the bus depot, correct?

21 A. In Lebanon, yes.

22 Q. And he's a person that you might communicate with if you
23 have a need for your -- for your bus, right?

24 A. Yes.

25 Q. And then we talked briefly about Theresa Pomeroy, but

1 she is an employee of Wilson County Schools also, correct?

2 A. Yes.

3 Q. Now, you also testified on direct, and it's in the
4 video, but when you parked your bus at the end of your route
5 and you were back at the bus depot, you got up and brushed --
6 and you said, oh, my, there's a bunch of glass here, right?

7 A. That's correct. That's what I thought it was.

8 Q. But the entire time that you thought that there was
9 glass inside your bus, you never checked on whether any of
10 the students were injured or needed any kind of assistance?

11 A. Oh, say that -- what were you --

12 Q. The entire time that you thought that glass had entered
13 into your bus from the pop noise, you never checked on the
14 children or asked if they were okay or tried to assist them
15 in any manner, even though you thought that perhaps glass had
16 come into the bus and gotten onto them?

17 A. I didn't say that until I got back and park the bus and
18 I -- and I -- I was looking, I'm going, like, God, I've got
19 all this glass over me. And David said, no, that's the
20 reflect- -- I didn't say -- I didn't think it was glass when
21 it first happened. When -- when the accident first -- when
22 the two mirrors touched? I didn't say anything -- I didn't
23 think it was glass. I thought it was -- I looked at the bus
24 when I got back to the shop and I said that.

25 Q. I thought you said when the pop happened and then after

1 you realized that we bumped mirrors --

2 A. Oh, no.

3 Q. -- then you thought it was glass?

4 A. No. I never -- I never -- it never even dawned on me
5 because my -- my window isn't even open that much.

6 Q. But you felt this debris come into the compartment of
7 the bus, and it actually hit you, right?

8 A. Yeah. Well --

9 Q. And it actually hit the students also, correct?

10 A. It didn't hit. It was a little -- okay. It didn't hit
11 anybody. It was flying through the air. It was like little
12 speckles of confetti or something.

13 Q. I wanted to go back to your previous employment with
14 Wilson County Schools. And you talked about the fact that
15 you worked there for a couple of years and then you had this
16 issue arise with Mr. Wendell Marlow, correct? I guess it was
17 actually with a student that you suspended, and then
18 Mr. Marlow put him back on your bus; is that what happened?

19 A. Correct.

20 Q. And --

21 A. Wait a minute. What did you just say? Who put him back
22 on the bus?

23 Q. Do you remember your dealings with Mr. Marlow and an
24 issue you had concerning a student that you disciplined and
25 suspended from your bus?

1 A. I disciplined a student. He suspended the student.

2 Q. And then he put him back on your bus, correct?

3 A. I don't know who put him back on the bus, because guess
4 what? They had already transferred me to a different route,
5 and then they put him back on the bus.

6 Q. Now, you said that was in April of 2016, correct?

7 A. I don't know what year -- what year --

8 Q. When you were --

9 A. I know for -- all I know is that the student was
10 eventually suspended from riding the bus for the rest of the
11 school year. I was called into the office and reprimanded by
12 Jerry Partlow and Theresa Partlow [sic]. When I went back,
13 the little kid was back on the same route on the bus. Now,
14 how he got back on that route, I don't know. Because they
15 took me off the route to put the little student back on the
16 route.

17 Q. Okay. I thought you said that it was spring break and
18 Mr. Partlow presented you with an option --

19 A. No. He told me I didn't have any options.

20 Q. That he --

21 A. That was --

22 THE COURT: One at a time. Let her finish and
23 then I'll let you finish. Go ahead.

24 THE WITNESS: No. He told me I did not have any
25 options, other than taking Mount Juliet Middle School route.

1 BY MR. SPINING:

2 Q. And it was also at that time that you submitted a
3 medical leave request, right? April of '16? For your
4 rotator cuff.

5 A. Huh-uh (negative). You -- you have it -- you don't have
6 the dates correct. I'm sorry. What you're -- what you're
7 saying -- okay. When I did that FMLA, it wasn't for -- it
8 was for depression. It wasn't to have surgery. No. It
9 was -- I was so depressed at the time. I wanted to take
10 off -- I couldn't take off. I was seeing -- is it hearsay?
11 I was seeing my doctor and she took me off, period, from
12 driving the bus. I was depressed. I asked for a leave of
13 absence. I was refused a leave of absence.

14 Q. And then what we do know is July of '16 is when you sent
15 your resignation letter, correct?

16 A. Yes.

17 Q. And in your resignation letter you stated that you did
18 not feel that you were supported by Mr. Partlow; is that
19 right?

20 A. That's correct.

21 Q. When you submitted that letter, you did not put any
22 information or complaint or anything in the letter about
23 racial discrimination, did you?

24 A. No. I sure didn't.

25 Q. And you were aware that Wilson County schools has an

1 anti-discrimination policy, right?

2 A. I'm aware. Yeah.

3 Q. And yet you never in your entire employment with Wilson
4 County Schools, you never made any complaint of racial
5 discrimination against anybody, much less Mr. Partlow?

6 A. Yes, I did. If you would look through your papers, I
7 made the statement that when I went to Wilson County
8 transportation, I expect to be treated equally, as all -- and
9 I stated -- I made that statement in the letter.

10 Q. In the resignation letter?

11 THE COURT: Hold on. Let her finish her answer.
12 Go ahead.

13 THE WITNESS: Yeah. I didn't -- and I also had
14 sent her a letter. And I had talked to Mickey Hall, both
15 about my concerns about being discriminated against. And I
16 was just told we'll get back, we'll get back. But, yes, I
17 was aware that it was a policy for anti-discrimination, but
18 it wasn't being practiced. And I stated that.

19 BY MR. SPINING:

20 Q. I'm looking at Exhibit 17, which is your resignation
21 letter. And can you point to me anywhere that it states --

22 A. I'm not saying it's in my discrim- -- let me see. It
23 might be. Give me a minute. No. It's in the letter that I
24 wrote to Donna Wright. It's not in my resignation letter.
25 It's in my letter that I wrote to Donna Wright.

1 Q. And that letter, at least the date on it, is May 17th of
2 2018, correct?

3 A. I don't know. Whenever it was. It might have been.
4 Because guess what? That is when I had been terminated.

5 Q. And for your reference, that's Exhibit 4.

6 A. Yeah. That's -- that's when I had been terminated. So,
7 yeah.

8 Q. But you didn't deliver that letter to Donna Wright
9 yourself, did you?

10 A. No, sir. I emailed it to her.

11 Q. Did you email it on the 17th?

12 A. Yes, I did.

13 Q. Do you have the email stamp or any kind of documentation
14 that you emailed it that day?

15 A. No, I didn't know I needed to bring it to court.

16 Q. Also, in that letter, on the second page, in that last
17 paragraph about midway down, you talk about I would address
18 each point and facts to her no later than the next morning,
19 which I did on the evening of May 17, 2018, at 6:59 p.m.

20 A. And the next morning, too. I double sent it.

21 Q. That's right. In the morning on May 18th of 2018, at 10
22 a.m. --

23 A. Right. I didn't want anyone saying they didn't receive
24 it.

25 Q. And then you say, I was terminated within three business

1 days after this meeting, right?

2 A. Yes, sir. Yes.

3 Q. So you couldn't have sent the letter on May 17th,
4 because you reference events on May 18th and three days
5 later?

6 A. I know I sent the letter after I was terminated. And I
7 know -- if they could get a letter to me in 24 hours, you're
8 questioning how long it took for me to do this? I don't
9 get -- I'm not understanding the logic here.

10 Q. No. I'm questioning how did you write a letter on May
11 17th -- you testified that you emailed this letter on May
12 17th. And yet in the letter you're referencing events that
13 happened the next day. So how can you email a letter and
14 reference dates in the future, events in the future?

15 A. What did I reference that happened the next day?

16 Q. The part I just --

17 A. I wasn't even -- I wasn't even working for Wilson
18 County.

19 Q. The part I just read you.

20 "And the morning of May 18th, 2018, at 10 a.m.,
21 receiving both times as successful transaction report."

22 A. Okay. So when was I terminated?

23 Q. Your termination was actually on May 23rd, is when you
24 received the letter of termination. The letter of suspension
25 was on the 17th.

1 A. Exactly. And this is when Rebecca Owens asked me --
2 this letter was wrote right when they gave me the papers to
3 take home and -- and -- they gave me the paper to take home
4 to answer their questions. This letter was wrote that same
5 day.

6 Q. But it wasn't sent. It couldn't have been sent, because
7 you're referring to events in the future. Correct?

8 A. I don't know what future you're saying I'm referencing.

9 Q. I'm -- I'm referencing the exact things I've been
10 reading to you, that a letter dated May 17th references an
11 event that occurred on May 18th.

12 A. Okay. So when -- whatever date that I faxed to them
13 their questions is the same date.

14 Q. Now, you've also testified that Mr. Partlow -- I think
15 you said did not like you; is that right?

16 A. Yes. That's correct.

17 Q. Now, he never said anything in a discriminatory manner
18 to you, correct?

19 A. Incorrect.

20 Q. And so are you referencing the statement about the new
21 sheriff in town?

22 A. You people -- to me -- I don't like that terminology.
23 Not when somebody white standing in my face calling me you
24 people. And other remarks that he has made. So what are you
25 referencing?

1 Q. What other remarks? What other remarks?

2 A. You're saying he didn't say it.

3 Q. No. I'm asking -- so after that one --

4 A. I'm not saying --

5 Q. Or besides that one --

6 A. I'm not saying it was after that one. It could have
7 been before that one. Because it was ongoing.

8 Q. What specific remarks, other than the one you just
9 identified, did Mr. Partlow say to you?

10 A. I guess you -- It took you long enough to get here. I
11 took that as in a manner being shiftless and move my feet
12 slowly. You know. Little -- just little nitpicky things. A
13 lot of things he said, I brushed it off.

14 Q. Now, Mr. Partlow --

15 A. Because I wasn't entertained by it.

16 Q. Mr. Partlow never disciplined you, other than the
17 suspension May 17, correct?

18 A. I didn't never give him a reason to. And he was
19 waiting. And he found it. He never had a reason to
20 discipline me. That tells you something right there. Never
21 disciplined.

22 Q. Now, he rehired you -- or he recommended your rehiring
23 in 2017, that school year, right?

24 A. I don't know who recommended it. He didn't -- he didn't
25 come to me and ask me about rehire, anything. Guess what?

1 Because when my coworkers encouraged me to return to work,
2 you know, it -- Mr. Partlow wasn't part of that deal. No.

3 Q. And when you returned to work in 2017, August of 2017,
4 were you under any medications at that time?

5 A. No. I stopped taking my medication to return to -- and
6 I don't even think Mr. Partlow knew I was planning on coming
7 back in August.

8 Q. And you had to take a drug test to return to work; is
9 that right?

10 A. That's correct. I passed.

11 Q. And you testified in your deposition that you found some
12 substance at the store that you could take that would clean
13 out your system, right?

14 A. I didn't never have to clean out my system to -- because
15 I -- guess what? Driving the school bus, I never took my
16 pills. I didn't -- I could -- they do -- they did random
17 drug tests. And I have never, ever, ever failed a drug test.
18 And that's -- and I don't -- you don't know when they're
19 going to call you. So you can't run to the store and buy
20 something. You know. Maybe one -- when I went to Wise
21 Coaches, if that's what you're thinking about, but not Wilson
22 County. No.

23 MR. SPINING: All right. Thank you, Ms. Robinson.
24 May I have a minute, Your Honor?

25 THE COURT: Yes.

1 (Respite.)

2 THE COURT: You need to turn off your microphone
3 while you all are chatting.

4 (Respite.)

5 MR. SPINING: Thank you again, Ms. Robinson. I
6 have no further questions.

7 THE COURT: All right. Redirect.

8 MR. BIESECKER: I have no questions, Your Honor.

9 THE COURT: All right. Ms. Robinson, you can step
10 down. The court officer will assist you.

11 THE WITNESS: Thank you.

12 (Witness dismissed.)

13 (End of excerpt.)

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1 REPORTER'S CERTIFICATE

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3 I, Lise S. Matthews, Official Court Reporter for
4 the United States District Court for the Middle District of
5 Tennessee, with offices at Nashville, do hereby certify:

6 That I reported on the Stenograph machine the
7 proceedings held in open court on January 6, 2022, in the
8 matter of PHYLLIS ROBINSON v. WILSON COUNTY SCHOOLS, Case No.
9 3:19-cv-01092; that said excerpt of proceedings in connection
10 with the hearing were reduced to typewritten form by me; and
11 that the foregoing transcript (pages 1 through 74) is a true
12 and accurate record of said proceedings.

13 This the 6th day of January, 2022.

14
15 /s/ Lise S. Matthews
16 LISE S. MATTHEWS, RMR, CRR, CRC
17 Official Court Reporter
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